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May 26, 1999

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RECEIVED**MAY 26 1999**

FEDERAL COMMUNICATIONS COMMISSION
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BY HAND DELIVERY

Ms. Magalie Salas

Secretary

Federal Communications Commission

445 12th Street SW

Room TW-B204

Washington DC 20554

Re: Radio Frequencies Above 40 GHz,
ET Docket No. 94-124
Ex Parte Filing
Motion to Withdraw Petition for Reconsideration

Dear Ms. Salas:

This is a written *ex parte* communication pursuant to Section 1.1206(b)(1) of the Commission's Rules, on behalf of Harmonix Corporation (Harmonix). The original and one copy are enclosed for filing.

The Commission's Third Report and Order in this docket established a spectrum etiquette for unlicensed operation in the 59-64 GHz band.¹ One element of the etiquette requires transmitters whose peak output power or peak power density exceeds specified levels to transmit the following transmitter identification at least once per second:

¹ Frequencies Above 40 GHz for New Radio Applications, 13 FCC Rcd 15074 (1998) (Third Report and Order). This action came at the request of several companies collaborating under the umbrella of the Millimeter Wave Communications Working Group (MWCWG). Report and Recommendations of the Millimeter Wave Communications Working Group (filed Dec. 18, 1996).

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Ms. Magalie Salas

May 26, 1999

Page 2

- (1) the FCC Identifier;
- (2) the manufacturer's serial number; and
- (3) 24 bytes of field-programmable data, intended for information on how to contact the operator.²

Harmonix filed a timely Petition for Reconsideration.³ Harmonix noted that the etiquette had been drafted primarily to suit indoor wireless LAN systems using wide-angle antennas, and that some of its provisions were counterproductive for outdoor point-to-point systems. For that reason, Harmonix asked the Commission to exempt point-to-point equipment from the etiquette requirements. The MWCWG opposed the Petition, which is pending.⁴

Following intervening discussions and correspondence, the undersigned received a letter from Karen Rackley, Chief, Technical Rules Branch, Office of Engineering and Technology, dated May 19, 1999, and captioned "In re: Request for Waiver of Section 15.255(i)(2)." Ms. Rackley's letter stated that the Commission's Rules do not require the transmission of a unique manufacturer's serial number for each unlicensed device that operates in the 59-64 GHz band, so that one serial number can identify all transmitters operating as part of a single communications system.

With the receipt of this letter, Harmonix no longer requires the relief sought in its Petition for Reconsideration. ***Harmonix therefore seeks leave to withdraw its Petition for Reconsideration in this docket.***

² 47 C.F.R. § 15.255(i).

³ Petition for Reconsideration of Harmonix Corporation (filed Aug. 27, 1998).

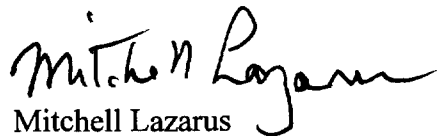
⁴ Opposition of the Millimeter Wave Communications Working Group to Petition for Reconsideration (filed Feb. 22, 1999); Motion for Leave to File Opposition (filed Feb. 22, 1999). The MWCWG supplemented its Opposition in an *ex parte* filing. Letter of Henry Goldberg to Magalie Roman Salas (filed March 3, 1999).

Ms. Magalie Salas
May 26, 1999
Page 3

Kindly date-stamp and return the extra copy of this letter.

If there are any questions about this filing, please call me at the number above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mitchell Lazarus". The signature is fluid and cursive, with the first name "Mitchell" and last name "Lazarus" clearly distinguishable.

Mitchell Lazarus
Counsel for Harmonix Corporation

ML:deb

cc: Mr. Dale Hatfield, Office of Engineering and Technology
Ms. Rebecca Dorch, Office of Engineering and Technology
Ms. Karen Rackley, Office of Engineering and Technology
Mr. Julius P. Knapp, Office of Engineering and Technology
Henry Goldberg, Esquire
Counsel for Millimeter Wave Communications Working Group
Mr. Shigeaki Hakasui, President, Harmonix Corporation